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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,834	09/29/2003	Shigeyoshi Shima	Q77708	3520

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WASHINGTON, DC 20037

EXAMINER
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SINKANTARAKORN, PAWARIS

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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04/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/671,834

Applicant(s)

SHIMA, SHIGEYOSHI

Examiner

Pao Sinkantarakorn

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 1/16/2007 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is required in order to for it to be considered.

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

4. Claims 1-17 are objected to because of the following informalities:

Regarding claim 1 line 3, the recitation "n first" should be rewritten as ---a first---.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**NOTE:** claimed limitations in parenthesis in claim 1 lines 3-4 and 11-12 are not considered positive claimed limitations. It is suggested to rewrite the claimed limitations without parenthesis.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimbo et al. (US 6,092,191).

**Regarding claim 1,** Shimbo et al. disclose an electronic data transmission and reception system comprising:

a first through nth (n is an integer of 2 or greater) apparatus connected to a network (see Fig 2 GA1, GA, GB, GB1);

a transmitting apparatus connected to said network for transmitting first electronic data to said first apparatus (see Fig 2 H1 and column 14 lines 30-35); and

a receiving apparatus connected to said network for receiving (n+1)th electronic data from said nth apparatus (see Fig 2 H2 and column 14 lines 30-35);

an arrangement being such that a jth ( $j$  is an integer satisfying  $1 \leq j \leq n$ ) apparatus generates (j+1)th electronic data which comprise jth electronic data with a signature assigned thereto for identifying said jth apparatus (see column 16 lines 27-37, GA11 adds authentication header and IP header-2, wherein IP header-2 has a seating source address and destination address), and transmits the (j+1) electronic data to a (j+1)th apparatus (see column 14 lines 30-35), and when said  $j$  is said  $n$ , an (n+1)th apparatus corresponds to said receiving apparatus (see Fig 2 and column 14 lines 30-35,  $n=4$ , and once  $j = n = \text{GB1}$ , which is the 4<sup>th</sup> apparatus, (n+1)th apparatus corresponds to the receiving device H2);

**regarding claim 2**, the transmitting apparatus transmits the first electronic data and a sender authenticator, which authenticates a transmission of the first electronic data, to the first apparatus (see column 16 lines 27-37, GA11 adds authentication header to the packet and send it to GA1); and

the first apparatus generates second electronic data which comprise the first electronic data and a signature of the first apparatus assigned thereto, and transmits the second electronic data to a second apparatus (see column 16 lines 39-44, subsequently GA changes the a content of the IP header-3 and transmits it to GB).

***Claim Rejections - 35 USC § 103***

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimbo et al. in view of Leung (US 6,760,444).

**Regarding claim 3**, Shimbo et al. discloses an electronic data transmission and reception system, further comprising:

a memory apparatus for use with the transmitting apparatus (see column 19 lines 40-44 and column 20 lines 55-60, the security gateway comprises an authentication key management unit, which stores authentication keys);

the first apparatus generates transmission proof data which comprise the first electronic data and the sender authenticator with the signature of the first apparatus assigned thereto (see column 16 lines 27-37, GA11 adds authentication header and IP header-2 to the packet to the IP packet);

the transmitting apparatus stores the transmission proof data into the memory apparatus for use with the transmitting apparatus (see column 19 lines 40-44 and column 20 lines 55-60, the security gateway comprises an authentication key management unit, which stores authentication keys for use in the authentication code generation processing).

However, Shimbo et al. do not disclose a system, wherein the first apparatus transmits the transmission proof data to the transmitting apparatus. The invention of Leung from the same or similar fields of endeavor discloses a system, wherein a node generates an electronic data including an authenticator and sends the data to the host (see column 7 lines 11-16).

Thus, it would have been obvious to the person of ordinary skill in the art to implement a system, wherein a node generates an electronic data including an

authenticator and sends the data to the host as taught by Leung into the packet authentication scheme of Shimbo et al.

The motivation for implementing a system, wherein a node generates an electronic data including an authenticator and sends the data to the host is that it provides a more reliable network.

### ***Allowable Subject Matter***

11. Claims 4-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jinzaki et al. (US 7,133,407), Atkinson (US 5,511,122), and Teraoka (US 6,009,528) are cited to show systems and methods considered pertinent to the claimed invention.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pao Sinkantarakorn whose telephone number is 571-270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-3:00pm EST.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS

A handwritten signature in black ink, appearing to be "Ricky Ngo", written in a cursive style.A handwritten signature in black ink, appearing to be "Ricky Ngo", written in a cursive style.

RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER